

# Occupational Asthma

## A guide to compensation

### Expert advice

There are approximately 5.4 million people in the UK who suffer from asthma. However, if someone suffers from occupational asthma, because they've not been adequately protected whilst at work, compensation may be available. When someone is diagnosed with asthma, depending on the severity, it can dramatically change their lives.

Having specialised in cases of occupational asthma for many years, Slater and Gordon understand just how much life can change at this time and it's our aim to make the claims process as easy as possible for everyone concerned and ensure you get the best possible outcome.

### What is occupational asthma?

Asthma is a condition that affects the airways of the lungs, which results in shortness of breath, chest tightness and wheezing.

If someone is suffering from asthma which has been caused or made worse by their working conditions, for example, working with certain dusts, gases, fumes and vapours, this is known as occupational asthma.

### What are the symptoms of occupational asthma?

The symptoms of occupational asthma are no different from the symptoms of someone suffering from asthma. In order for you to determine whether your symptoms are due to occupational asthma, there are certain questions you should ask yourself:

- Are the symptoms worse during working hours?
- Do the symptoms get worse after work?
- Do the symptoms get better when not working, i.e. on holiday?

If the answer to any of these questions is yes, you may be suffering from occupational asthma.

### Can occupational asthma be cured?

Occupational asthma may be cured if the condition is identified quickly and the contact with the substance causing or aggravating the condition ends.

Medicines are available to help control asthma and we would therefore always advise that those who believe they have asthma speak to their GP as soon as possible. If their GP believes they're suffering from asthma, they'll refer them to a chest specialist for further investigations. They'll then determine the cause of the asthma and provide treatment to help control the symptoms.



### What causes occupational asthma?

There are many substances that can cause occupational asthma, such as:

- **Isocyanates** - chemicals found in spray painting, foam moulding, adhesives, making foundry cores and surface coatings used in all types of industry
- **Flour dust** - dust from flour and grain used in the baking industry, farm work and grain transport
- **Wood dust** - dust from carpentry, joinery and saw mill work
- **Colophony** - fumes found in soldering, glues, cleaners used from electronics and the electrical industry
- **Latex rubber dust** - dust from latex gloves used by nurses, caterers, car mechanics, etc

Occupational asthma can develop after a one off exposure to one of these substances, or from exposure over a period of time and can take months, sometimes even years, to develop.

It's therefore not surprising that people diagnosed with asthma don't necessarily realise straight-away that their work may well have contributed to its development or made their existing asthma much worse.

# Advice on making a claim for compensation

For those who don't have experience of the legal process, contacting a lawyer and making a claim for compensation can be a daunting prospect. However, we're with our clients every step of the way, ensuring they understand the claims process, and relieving the burden of having to deal with a variety of practical issues, at what can be a difficult time.



## What should you do if you think you have a claim?

Contact us. Our team of specialists have a vast amount of experience in dealing with industrial illnesses such as occupational asthma. Our specialists include lawyers who are classed as leaders in their field by independent legal guides.

Once we've taken details, we'll confirm whether or not you have a claim. If you're entitled to claim compensation, we can start work on your case straight-away and begin gathering evidence.

Time limits apply when making a claim for compensation, so don't delay in contacting us.

## What is the cost of making a claim?

We understand that the cost of legal advice can be a worry, but there are options available to fund injury claims.

You may have legal expenses insurance under an existing insurance policy which entitles you to free representation. If legal expenses insurance is not in place, we may be able to conduct your case under a Conditional Fee Agreement, also known as a 'No Win, No Fee' Agreement. This means if the case fails, no payment is due.

Once we know the circumstances of your claim, we'll be able to discuss your funding options in more detail.

## What is the amount of compensation likely to be?

Compensation will be based on the severity of your illness, and also on your personal circumstances. For example, if you've been unable to work as a result of your illness, loss of earnings may be accounted for. If you were responsible for household chores or caring for a dependent and are no longer able to, the cost of assistance will be taken into account.

## How long is the case likely to take?

Every case is different so it's difficult to estimate how long a case is likely to take without first reviewing the circumstances.

However, the case will be dealt with by an expert in industrial illnesses who will deal with the case as quickly and efficiently as possible.

## Frequently asked questions

### Will I have to go to court?

A large majority of cases settle before a trial takes place. However, if the case doesn't settle before trial, attendance at court may be necessary.

### Can I claim compensation if my employer has gone out of business?

Don't worry if the company has gone out of business. It's often still possible to trace their insurers. Our Industrial Illness team has unrivalled expertise in tracing the insurers of companies which have been out of business for many years. We often take over cases and succeed in tracing the company's insurers, where other firms have failed.

### Will I have to attend a medical appointment?

If we advise you that we're able to pursue a claim for occupational asthma on your behalf, you'll have to attend an independent medical appointment in order for us to obtain a report as part of your evidence. It will also benefit you as it will help determine whether you need any medical assistance and also confirm how well you are recovering.

### What if I need assistance in other areas?

We have expert lawyers in many areas of law such as family, employment, welfare benefits, trusts, Court of Protection and disability rights and work closely with those departments to ensure that you get the best possible outcome.